IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 3488 of 1996

Between:

..... PETITIONER

AND

.....RESPONDENT

The Court made the following :

ORDER:

This petition is filed questioning the memo G/4120/95 dated 4-1-1996 issued by the Revenue Divisional officer Adilabad (First respondent herein) rejecting the request of the petitioner for issuance of a caste certificate to her on the ground that the caste certificate issued to her brother Ch.Rajeswar was cancelled.

The contention of the learned counsel for the petitioner is that since W.P.No.2091 of 1996 filed by Ch.Rajeswar, who is the brother of the petitioner, questioning the cancellation of the caste certificate issued to him was allowed on 6-2-2002, petitioner is also entitled to the same relief.

Writ Petition No.2091 of 1996 filed by Ch.Rajeswar questioning the memo

cancelling the Caste Certificated issued to him was allowed on the ground that it was cancelled without giving prior notice to him, and the competent authority under the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act') was directed to conduct an enquiry after issuing notice to the said Rajeshwar as per the provisions of the Act. What is the result of the fresh enquiry made in pursuance of the above order is not known. Since the above order in W.P. No.2091 of 1996 did not decide the status of the brother of the petitioner, that order is of no help in deciding this petition.

To which caste petitioner belongs to is a question of fact. Even if the order impugned is set aside, petitioner automatically would not be entitled to issuance of a certificate, more so because enquiry with regard to the caste of her brother is going on. For that reason and since the Act came into operation with effect from 15-9-1997, petitioner is directed to approach the competent authority under the Act for issuance of a caste certificate to her. When such application is filed, the competent authority under the Act shall entertain the same and pass appropriate order by following the procedure prescribed therein and communicate the decision to the petitioner.

The writ petition is disposed of accordingly. No costs.

C.Y.SOMAYAJULU, J.

30-01-2006

Kvsn